

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

**OHIO A. PHILIP RANDOLPH
INSTITUTE, *et al.***

Plaintiffs,

v.

**RYAN SMITH, Speaker of the Ohio House
of Representatives, *et al.***

Defendants.

Case No. 1:18-cv-357

Judge Timothy S. Black
Judge Karen Nelson Moore
Judge Michael H. Watson

Magistrate Judge Karen L. Litkovitz

MOTION TO SEAL DOCUMENTS

Pursuant to Local Rule 5.2.1(a), Movants hereby move the Court for an order permitting them to file under seal their Reply Brief in Further Support of their Motion to Compel Compliance with Subpoenas Served on E. Mark Braden (“Reply”) and a declaration in support of the Reply (the “Declaration”).

The Reply describes the deposition testimony of Clark Bensen and Adam Kincaid, and the Declaration attaches as exhibits excerpts of the deposition transcripts. Parties in this case have seven days after the receipt of the deposition transcript to designate testimony Confidential pursuant to the Protective Order governing the case. *See* Stipulation and Protective Order. ECF 57, ¶ 2(c). Counsel for Mr. Bensen stated their intention to designate Mr. Bensen’s testimony Confidential pursuant to the Protective Order, necessitating this motion.

Movants hereby request that leave be granted to file the Reply under seal, on the condition that the seal expire 30 days from filing unless (1) any party successfully moves to seal the filing (or portions of the filing) under the standards set forth by the Sixth Circuit Court of

Appeals, or (2) any party moves to extend the conditional period on the basis that a motion to seal is pending before the Court.

Dated: December 11, 2018

Respectfully submitted,

/s/ Jeremy Goldstein

Jeremy Michael P. Goldstein
Robert D. Fram
Covington & Burling LLP
One Front Street
San Francisco, CA 94111
(415) 591-6000
rfram@cov.com
jgoldstein@cov.com

Michael Baker (DC Bar #1044327)
Covington & Burling LLP
One City Center
850 Tenth Street NW
Washington, DC 20001
(202) 662-6000
mbaker@cov.com

T. Alora Thomas-Lundborg
Dale E. Ho
Theresa J. Lee
Emily Rong Zhang
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2500
athomas@aclu.org
dho@aclu.org
tlee@aclu.org
erzhang@aclu.org

Freda J. Levenson
American Civil Liberties Union of Ohio Fdn.
4506 Chester Avenue
Cleveland, OH 44103
(216) 472-2220
flevenson@acluohio.org

Counsel for Movants

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2018, a true and correct copy of the foregoing Motion was served on counsel for Respondents by filing via the Court's CM/ECF system.

/s/ Jeremy Goldstein

Counsel for Movants